

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

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December 4, 2009

Under s. 704.17 (1) (b), (2) (b), and (3) (a) in current law, a landlord may terminate the tenancy of a tenant who commits waste or who breaches any covenant or condition of the lease. In the new provisions in this bill draft, a property owner (I changed the term “landlord” to “property owner”) may terminate the tenancy of a tenant who commits any of the specified crimes or other activities, which include damage to property and committing a breach of the rental agreement that jeopardizes the health, safety, or welfare of the property owner, his or her agent, or another tenant. Additionally, if a lease prohibits a tenant from committing any of the specified crimes or other activities on or near the rental premises, doing so is a breach of the lease. Therefore, there is overlap between current law and this bill draft. To address that, I have excepted the new provisions from the current law provisions and attempted to fashion the language so that, if a tenant is committing one of the crimes or other activities specified in the new provisions, the property owner would use the method in the new provisions to terminate the tenancy. Let me know, however, if you would like the property owner to have the option to choose between the two methods. In that case, I would try to make it clear that either option may be used. The differences involve the time after the notice within which the tenant must vacate the property, whether the tenant has the right to “cure” the default, and whether the notice must inform the tenant that he or she may contest the action in an eviction action. (Even if the notice is not required to provide that information, however, the landlord/property owner would still have to commence an eviction action to remove the tenant if the tenant did not vacate the property voluntarily after receiving the notice to vacate.)

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